

COOLEY LLP
MICHAEL G. RHODES (116127) (rhodesmg@cooley.com)
MATTHEW D. BROWN (196972) (brownmd@cooley.com)
BENJAMIN H. KLEINE (257225) (bkleine@cooley.com)
RITESH SRIVASTAVA (246477) (rsrivastava@cooley.com)
101 California Street, 5th Floor
San Francisco, CA 94111-5800
Telephone: (415) 693-2000
Facsimile: (415) 693-2222

Attorneys for Defendant LinkedIn Corporation

JAY EDELSON* (jedelson@edelson.com)
RAFEY S. BALABANIAN* (rbalabanian@edelson.com)
ARI J. SCHARG* (ascharg@edelson.com)
CHRISTOPHER L. DORE* (cdore@edelson.com)
EDELSON MCGUIRE LLC
350 North LaSalle Street, Suite 1300
Chicago, IL 60654
Telephone: (312) 589-6370
Facsimile: (312) 589-6378

Attorneys for Plaintiffs

**Admitted pro hac vice*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE LINKEDIN USER PRIVACY LITIGATION

Case No. 12-CV-3088 EJD

**STIPULATED REQUEST TO MODIFY
BRIEFING SCHEDULE AND PAGE LIMITS
FOR MOTION TO DISMISS PLAINTIFFS'
FIRST AMENDED CONSOLIDATED CLASS
ACTION COMPLAINT; [PROPOSED]
ORDER**

Courtroom: 4 (5th Floor)
Judge: Hon. Edward J. Davila
Trial Date: TBD

1 This Stipulation is entered into by and among plaintiffs Katie Szpyrka and Khalilah
 2 Wright (collectively “Plaintiffs”) and Defendant LinkedIn Corporation (“LinkedIn”) (Plaintiffs
 3 and LinkedIn collectively, the “Parties”), by and through their respective counsel.

4 **RECITALS**

5 1. Plaintiffs Katie Szpyrka and Scott Shepherd filed a Consolidated Class Action
 6 Complaint on September 19, 2012 (Dkt. No. 49).

7 2. LinkedIn filed a Motion to Dismiss Plaintiffs’ Consolidated Class Action
 8 Complaint on November 5, 2012 (Dkt. No. 51).

9 3. In response to this Motion to Dismiss, Plaintiff Katie Szpyrka and new Plaintiff
 10 Khalila Wright filed a First Amended Consolidated Class Action Complaint (“Complaint”) on
 11 November 26, 2012 (Dkt No. 54). Scott Shepherd is no longer a named plaintiff in the new
 12 Complaint.

13 4. LinkedIn intends to file a motion to dismiss the new Complaint. Under Federal
 14 Rule of Civil Procedure 15(a)(3), absent an extension, LinkedIn would have only 14 days plus
 15 three days based on method of service, i.e., until December 13, 2012, to prepare and file its new
 16 motion to dismiss (or answer or other response). Pursuant to Civil Local Rule 7-3, absent an
 17 extension, the deadline for Plaintiffs to file their opposition to this motion to dismiss would be
 18 December 27, 2012 and the deadline for LinkedIn to file its reply in support of its motion to
 19 dismiss would be January 3, 2013.

20 5. LinkedIn’s earlier Motion to Dismiss Plaintiffs’ Consolidated Class Action
 21 Complaint (Dkt. No. 51) noticed the hearing for that motion for February 8, 2013. This Court’s
 22 Courtroom Deputy has confirmed that LinkedIn may notice its new motion to dismiss using that
 23 same February 8, 2013 hearing date.

24 6. Counsel for Plaintiffs and counsel for LinkedIn have conferred. In light of the new
 25 operative Complaint, the hearing date that is over two months away (February 8, 2013), the
 26 upcoming holidays, and the conflict with the holidays that the default briefing schedule would
 27 entail, Plaintiffs and LinkedIn have agreed to a modified briefing schedule. The Parties believe
 28

1 that this modest extension of the schedule also is likely to result in more useful briefing for the
2 Court.

3 7. In light of the nine causes of action alleged in the Complaint and the arguments
4 LinkedIn is likely to make concerning subject matter jurisdiction under Federal Rule of Civil
5 Procedure 12(b)(1) and failure to state a claim for each of the nine causes of action under Rule
6 12(b)(6), the Parties believe that a modest enlargement of the page limits beyond those provided
7 by Civil Local Rule 7-2 and 7-3 would ensure that the Court receives the most useful and
8 complete briefing possible.

9 8. This requested time modification will have no effect on the schedule for this case.

10 STIPULATION

11 NOW, THEREFORE, the Parties hereby stipulate and agree as follows, subject to
12 approval of the Court:

13 1. LinkedIn's deadline to file its motion to dismiss the Complaint (or answer or other
14 response) is December 20, 2012, which motion shall not exceed 30 pages.

15 2. Plaintiffs' deadline to file their opposition to LinkedIn's motion to dismiss is
16 January 18, 2013, which opposition shall not exceed 30 pages.

17 3. LinkedIn's deadline to file its reply in support of its Motion to Dismiss is January
18 30, 2013, which opposition shall not exceed 18 pages.

19 The Parties respectfully request that the Court enter an order adopting these modifications.

20 Dated: December 3, 2012

COOLEY LLP

21 By: /s/ Matthew D. Brown

22 Matthew D. Brown (196972)

23 Attorneys for Defendant LinkedIn Corporation

24 Dated: December 3, 2012

EDELSON MCGUIRE LLC

25 By: /s/ Ari J. Scharg

26 Ari J. Scharg

27 Attorneys for Plaintiffs

28

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December __, 2012

Hon. Edward J. Davila
United States District Judge

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

Pursuant to Civil Local Rule 5-1(i)(3), I, Matthew D. Brown, attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: December 3, 2012

/s/ Matthew D. Brown
Matthew D. Brown

1073237/HN